

### **REMARKS/ARGUMENTS**

Claims 1-18 are presented for reconsideration and further examination in view of the foregoing amendments and following remarks. Claims 2-10 and 12-16 in the present application have been allowed. In the outstanding Office Action, the Examiner indicated that prosecution on the merits is closed in accordance with the practice under *Ex Parte Quayle*. Claims 1, 11, 17 and 18 were objected to by the Examiner. The Examiner has accepted the drawings filed on August 7, 2006 and acknowledged the Information Disclosure Statement filed on August 7, 2006.

The Examiner objected to the abstract of the disclosure as it did not commence on a separate sheet in accordance with 37 C.F.R. 1.52(b)(4), and required a new abstract on a separate sheet. The Examiner also objected to claims 1 and 11 because of phrasing informalities and kindly suggested claim language that should be used instead. Finally, the Examiner objected to claims 17 and 18 as needing clarification to establish proper antecedent basis of certain phrases, and required correction.

By this Response to *Ex Parte Quayle* Office Action, a replacement abstract and replacement claims are submitted.

It is respectfully submitted that the above amendments introduce no new matter within the meaning of 35 U.S.C. § 132.

#### **Objection to the Abstract**

The Examiner objected to the abstract of the disclosure, asserting that it did not commence on a separate sheet in accordance with 37 C.F.R. 1.52(b)(4), and required a new abstract to be presented on a separate sheet, apart from any other text.

#### **Response**

As the instant application was filed as a 371 National Phase Entry into the USPTO, Applicant is allowed under 37 C.F.R. §1.495 to submit a copy of the International Application (here PCT Publication WO 2005/081047 A1) for use as the specification, as is, and further, should be allowed under MPEP § 1.893.03(e) to use the abstract of the disclosure found on the cover page of the publication, as is, and not be subject to the requirement found in 37 C.F.R. §1.52(b)(4) for other U.S. non-provisional utility

applications to place the abstract on a separate sheet, apart from any other text. However, for the purposes of expediting prosecution, by this Response and Amendment, a replacement abstract of the disclosure has been submitted on a separate sheet, apart from any other text, as required by the Examiner.

Accordingly, Applicants respectfully request that the Examiner withdraw this objection and allow this application.

### **Objection to the Claims**

The Examiner objected to the phrasing “angle ((3))” (line 8 of original claim 1), suggesting that it should read “angle ( $\beta$ )” instead. Applicants thank the Examiner for noticing this typographical error, likely introduced in the font conversion process from the original specification.

The Examiner objected to the word “preferably” (line 9 of previously amended claim 11), asserting that this word renders the claim indefinite.

The Examiner also objected to claims 17 and 18, asserting clarification was needed to establish proper antecedent basis of the phrases: “the spectacle case” (line 2), “the hinge axis” (line 8), and “the fully open spectacle case” (line 10) of (previously amended) claim 17; and “the long sides” (line 4), “the housing parts” (line 4), “the hinge” (lines 4-5) and “the shorter sides” (line 5) of (original) claim 18. The Examiner asserted that appropriate correction was required.

### **Response**

By this Response and Amendment, replacement claims have been submitted that follow the suggestions given by the Examiner. Specifically, per the Examiner’s suggestions, Applicants have: amended claim 1 to read angle ( $\beta$ ), also noticed and made a similar change in claim 4, and also deleted the word “preferably” from claim 11.

Additionally, as required by the Examiner, claims 17 and 18 have been amended so that the phrases previously objected to by the Examiner now read, respectively: “a spectacle case”, “a hinge axis” and “the spectacle case when the spectacle case is fully opened” of currently amended claim 17; and “long sides” and “shorter sides” of currently amended claim 18.

Applicant believes that as “two housing parts” were introduced in claim 17, there is proper antecedent support for the phrase “the housing parts” in claim 18. Additionally, Applicant believes that with the currently presented amendment modifying the phrase “the hinge” in claim 17 to “a hinge”, the

phrase "the hinge" of claim 18 also now has proper antecedent support, as was required by the Examiner in the outstanding Office Action.

Applicants believe that these slight modifications to (or explanations regarding) each of the objectionable phrases allows for proper antecedent basis in the original disclosure.

Accordingly, Applicants respectfully request that the Examiner withdraw these objections and allow this application.

### **CONCLUSION**

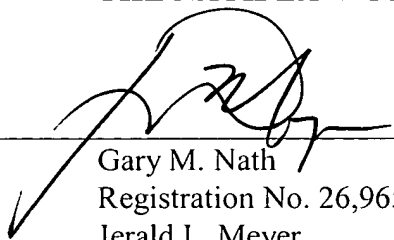
In light of the foregoing, Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, Applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,  
**THE NATH LAW GROUP**

Date: May 21, 2008  
THE NATH LAW GROUP  
112 South West Street  
Alexandria, VA 22314  
Tel. (703) 548-6284  
Fax. (703) 683-8396

By:

  
\_\_\_\_\_  
Gary M. Nath  
Registration No. 26,965  
Jerald L. Meyer  
Registration No. 41,194  
Derek Richmond  
Registration No. 45,771  
Customer No. 20529

GMN/JLM/JZ